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Human rights concerns in South Africa during the World Cup

Human rights violations in the run up to the World Cup

There has been an increase in police harassment of informal traders (hawkers), homeless South Africans, and refugees and migrants who are living in shelters or high density inner city accommodation.

This harassment has included police raids, arbitrary arrests, ill-treatment and extortion, as well as destruction of informal housing.

The tearing down of informal housing has taken place without prior notice, provision of adequate alternative housing or compensation and in violation of domestic law prohibiting forced evictions.

Regulations created to comply with FIFA World Cup requirements in host cities are being used by police to expel homeless people and street traders from “controlled access sites” and exclusion zones around World Cup venues. Penalties for offences under the regulations include fines of up to Rand 10,000 { \$1,300} or imprisonment of up to six months.

In May 2010 hawkers protested outside the local FIFA operations centre in Soweto calling for an end to evictions and the disruption of their means of livelihood near soccer stadiums. Elsewhere tense confrontations have occurred between police and street traders, over seizures of street traders’ goods, in the name of cleaning up the streets for the World Cup.

Xenophobic violence

In the first five months of 2010 at least eleven incidents were recorded in five provinces involving violent attacks and looting of shops, particularly of Somali and Ethiopian nationals. .

This violence has often been linked to public protests over corruption and failures of local government to deliver basic services in poor neighbourhoods.

Migrants and refugees are perceived by some as competing for jobs, housing and economic opportunities, and become targets of violence during the protests. However xenophobic attitudes also fuel the violence and appear to underlie the local police failure to respond swiftly or, in a few cases, to connive with the perpetrators of the violence. Access to justice and compensation for the victims has also proven very difficult.

In early June the government responded to appeals from South African civil society, Amnesty International and others to give urgent attention to the indications of possible large-scale xenophobic violence, including threats made to refugees and migrants that, “after the World Cup” they will be driven out again from their neighbourhoods or the country.

After its cabinet meeting on 2 June, the government announced the establishment of an inter-ministerial committee to focus on incidents and threats of attacks on foreign nationals and promised that law enforcement agencies would act swiftly against any person inciting or participating in violence against foreign nationals. Amnesty International welcomes this move.

Violent crime and policing

The security forces have made plans to ensure the protection of football stadiums and other areas where fans and visitors are expected to gather.

AI has a number of concerns in light of these plans. First, that the enormous resources which have had to be deployed for the World Cup, largely as part of requirements set by FIFA, will have consequences for the safety and security of South Africans, particularly those living in poorer neighbourhoods where effective policing and crime prevention is already a serious challenge.

Refugees and migrants, already unable to secure adequate police protection against xenophobic attacks may be increasingly vulnerable.

Secondly, the priority given to protecting visitors may lead the police to misuse lethal force against criminal suspects and in a manner contrary to international human rights standards. Police contingency plans relating to “domestic extremism” and “protests” should not result in the excessive use of force and or violate the right of protestors to peaceful assembly.

Amnesty International and other bodies have documented an increase in instances of torture of suspects in criminal investigations, the excessive use of force against protestors and deaths as a result of the misuse of lethal force in 2009. KwaZulu-Natal province showed a 47 per cent increase in fatal shootings by the police over the past two years.

World Cup expenditure

South Africa faces major socio-economic challenges and the government is struggling to effectively address persistent high unemployment rates, severe inequality and gaps in the provision of basic services in poor urban and rural communities.

AI does not have a view on governments’ expenditure in relation to the hosting of mega-sports events. Some temporary employment opportunities appear to have been created in the preparations for the World Cup and there may be a longer-term benefit from the development of improved urban public transport infrastructure. .

However, protestors from poor communities have continued to raise concerns that the majority of South Africans are still being excluded from the benefits of hosting the World Cup.

The requirements under the “FIFA by-laws” which create extensive exclusion zones for informal economic activity are seen as particularly prejudicial in the context of a country where a large group of South Africans are totally reliant on the informal sector economy for their survival.

One of Amnesty International’s main campaign focuses in South Africa is to promote increased and non-discriminatory access to HIV-related health services for prevention, treatment and care, particularly for women in distant rural areas.

While the government recently launched a new drive to combat the HIV epidemic, it will need to display the same level of determination evident in its World Cup preparations to overcome transport and other

obstacles to the right to health for women in these areas and who are disproportionately affected by the epidemic.

Amnesty International calls on the South African government to:

- End arbitrary arrests and other abuses against poor South Africans, including street traders, and migrants through the misuse of local government by-laws and World Cup-related regulations;
- Institute an independent and full investigation into the alleged abuses by police and local government authorities, and ensure access to justice and compensation for those affected
- Ensure that any use of force by police to maintain public order is proportionate and consistent with international human rights standards;
- Ensure the speedy implementation of effective prevention and emergency response mechanisms, as well as measures to combat impunity for crimes against refugees and others in need of international protection.
- Increase efforts to address persistent abuses of women's rights to dignity and equality, as key components of HIV prevention and treatment programs

For an overview of Amnesty International's human rights concerns in South Africa, please see the Annual Report 2010 South Africa entry which can be found here:

http://thereport.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=242